

EDUCATION COMMITTEE

January 22, 1977

A joint meeting of the House and Senate Education Committees was called to order by Chairperson Ann Mary Dussault at 2:40 p.m., in the Senate Chambers. The purpose of the meeting is to allow people involved with special education to have their say about how it is working or not working across the state.

Dr. W. L. Findley, Superintendent of special education, Great Falls, Montana, presented his views in support of the program in Montana. He said he is a supervisor responsible for providing special ed in a district. He is concerned because of the law that says by 1978 every handicapped child in a district will have a right to special program and related services. The burden of this falls at the local level. We realize that we will have to do much more for the multiply-handicapped. In that area the average expenditure per child is very high because of special facilities and equipment needed. We are now finding that as we start serving severely handicapped, the point in time at where we begin serving them is critical. We have data that proves that getting to the children earlier makes a great difference in their education. We are prevented by regulation from training these children at an early age now. We need the freedom to start training them at whatever age we must in order to ensure that we make the most and best advantage of whatever their potential may be. Dr. Findley's written testimony is also attached.

Mrs. Maxine Lane, Missoula, said the 1972 Constitution guaranteed appropriate education for all children in Montana. One statute, 78-7812, has an exclusion clause where a child can be excluded from classes if he is a behavioral problem. I think this should be eliminated. Another problem is the definition of "educationally handicapped" children. I believe it should be called "learning disabilities." During reorganization, bureaus and agencies were given power to make rules and regulations. They have handicapped delivery of services to children by putting unnecessary restraints on school districts. Rules and regulations have a tendency to leak out children. Unless a child can fit into a legal classification, he cannot get services. We also have a 3% limitation on the number of children in the area who can get services, when the national average is 9-10%. I hope the Legislature will do something about the rules and regulations.

Superintendent of Schools in Boulder read a prepared statement, which is attached.

ES Hawkins from Bozeman said that the rules and regulations in other states are not as lax and ambiguous as they are in Montana and he believes Montana's laws should allow for local flexibility. He said, however, that no other state has 100%

funding. A copy of his written testimony and observations is attached.

Jo Anne Willis, a parent from Helena, submitted and read a prepared statement, which is attached.

Dick Carlson from Butte said he is a parent of a child of 15 with learning disabilities. He said he is concerned that there is no training presently available; that training of handicapped should not be limited to age; that criteria for these students are different than for regular students in education programs in vocational, secondary and postsecondary centers. He said workshops are not geared to accept these students. More educational programs should be available for those of age 15 and up.

Rudy Koch from Butte, said his concern was about the pre-school students and those over 21. There should be an opportunity for training of these 2 age groups.

Alberta Paxton, a nurse from Butte, said her interest was in the area of better health care and medical services for children who are in special education groups and those persons who will be giving medications during the day to these children. Problems arise where no rules are set or proper facilities are not available in rural areas. She would like to see opportunities for health examinations for evaluation of development of children. Education is not an isolated process and she sees a need for an exchange of information between health care services and educational personnel.

Dallas W. Keck, a school psychologist from Havre, complimented the Superintendent of Public Instruction for implementing special education rules. He advocated additional training for persons involved in providing instruction for handicapped students. He said such persons must be more flexible to handle the services needed in caring for the learning disabled. He also felt some regulations were too strict and that the gifted and exceptionally talented individual are not being helped to reach their potential. A copy of his written statement is attached.

Jan Frisch, an employee of SRS in Helena, said that programs ought to be available to a child in his own community. Programs should be similar to other programs for children. Transportation should be available for all children, as should summer programs. It should be decided which agency should serve which age group. A child must be able to enter a school when he gets there.

Archie Holden, Noxon, spoke of the problems they have in 3rd class districts. He is very much against letting local districts control special education. He is against the rules and regulations. He wants to give local districts what the

large ones have now. His district has one special education teacher who travels 6 hours a week and serves 3 elementary schools. The 3% rule applies and our little schools need help. Special education removes these people from the welfare rolls and helps them live productive lives. We must finance the program.

Georgia Ruth Rice, SPI, explained the Task Force organized by her office to investigate, interpret and improve the rules and regulations which were established according to federal laws regulating special education. She stated the results of a regional meeting was the validation of certain rules and regulations to be taken back to the representative's particular area; that the members of the Task Force come from communities throughout the state. She also mentioned there is a need for an advisory council for special education, but they have yet to determine how these people will be chosen. The Task Force is working to correct present problems under the federal laws. She invited the Legislators to come to her office if they had an interest in special education material, including that for the gifted.

Carl Calkins said he is concerned about better preparation for teachers who have to deal with the wide range of problems confronting special education instructors and the unique situations of handicapped students. He also supported more integration of special ed students into regular classrooms and the expenditure of funds to provide the specialty training for them as well as funds for training materials.

Bob Duncan, Missoula, testified that in previous years, those children with serious learning disabilities were sent out of the state, or, if it could be provided, were put in private programs. These facilities are now filled with students of their own states, so Montana must face the obligation of providing programs for the education and training in this area.

Shirley DeVoe, Helena, stated that people involved in special ed should unite in their effort to serve the handicapped as well as the regular students. They must unite in not letting teachers be overcome by the rules and regulations governing school programs, to present a united front instead of fighting among themselves. Travel time and expenses for those involved in special education to attend conferences and seminars should be allowed, with the restrictions at the federal level relieved.

Ray Allen, Havre, Chairman of the School Administrators Special Education Committee, said that the problems are in the federal laws and we must write to Washington. Also rapidly rising costs are a problem in special ed. He suggested an interim legislative committee. There are 6 items the school administrators proposed. There should be funding for construction and rental of special facilities. There should be funding for the gifted. Special education budgets should be

separate from other school budgets. There should be state funding for out-of-district travel for special ed personnel. There should be local control of special education programs. There should be payment for contracted services. The present law says only non-profit organizations can be used.

Mr. Lyle Grayson, from Billings. He agreed with Dr. Findley about early childhood education, transportation of students to get to the programs, the profit contract argument. In a study of students (109) in Billings, 78% of them are on the job 10 years later. Special ed works. Last spring we looked at 250 children in special education and out of them 125 were on grade level according to the data we have. He read a letter of thanks for special ed from parents. He feels that special ed is working well but there are areas that need looking in to - transportation for students, contracting with professionals for care of handicapped children.

Andy Logozzo questioned the cost of special education. He said that if taxpayers were aware of the way the money is used for special education budgeting. He feels that general education budgets should be used in addition to special ed budgeting as a supplement. He expressed concern that teachers should have a special endorsement qualifying them for special education. They should be better prepared and required to have some type of skill level. He feels that people on the Task Force should be required to have some expertise in either teaching or administration.

Pete Scott, Bridger, said that he is a member of the Task Force and that membership on it represents all interested persons. He mentioned dealing with problems of special ed teachers, budgeting departments, but feels that progress has been made.

Chairperson Dussault introduced members of the committees and attaches.

Joyce Hines, Bozeman, said she supports several ideas presented. The cooperative effort throughout the state needs to be extended. Out-of-district travel is very necessary and should be looked at by the Legislature. Her district will not pay for travel for these personnel. We must not cut costs now because we are getting persons from Boulder in the deinstitutionalization program and we need the money to provide for them. She said she did not think the intent of the legislature was that these people should come home and no money be provided for their special education needs.

Darryl J. Micken presented written testimony. He supports special ed services throughout the state.

Beverly Miles, Montana Infant Outreach Project, stated the committee should look at the future of this type of program and the matter of employment of students trained under the programs and the most efficient way of funding the programs. She advocated preventive education of infants and parents before serious problems arise, especially in the 0-3 age group. Many times trouble could be prevented if the problem is caught soon enough.

Jack Kober, Superintendent at Poplar, said he is concerned with the institutionalization of youth and the fact that smaller areas are not equipped to handle all the children coming out of Boulder. He is also concerned with programs for the gifted child. He does not believe federal rules and regulations should apply to the State of Montana when they are drafted for urban areas. He stated a concern for the privacy of such children.

Paulette Benning, an early childhood education specialist from Bozeman, expressed concern about services available for children from birth, funding of programs and facilities for pre-schoolers. She also was concerned about training of those who give these services - it is not available in Montana.

Dr. J. Strickler, Helena, said he urged school systems be provided with funds to provide services for handicapped children, including preschoolers. He can attest to the great difference in those who have special training and educational opportunities. It especially helps those in the 0-3 group with hearing, visual and cerebral palsy problems so that their intellect is not impaired. He advocated expanding regulations to allow contracting with other than non-profit professional personnel and experts.

Mike Ikard, director of special ed in Conrad, said cooperatives have overwhelming rules and regulations to try and comply with, even though it is very difficult for small districts, he believes that they are capable of functioning. He does not like to see a mandate regarding special ed programs for the 0-3 age group because of the difficulty placed on small rural districts.

Peg McDonald, Billings, said she is a mother of a disabled child and is concerned about transportation for such children to and from school functions. If a mode of transportation is not available to handicapped children, the available programs will not serve their purposes. This should be extended to the preschool group.

Arnie Binion, special ed has come a long way. The purpose of education is to prepare one for as much independence as he can attain and maximization of his aptitudes. Every problem must be dealt with if the child is educable. He is in favor of changing the age limitation so they can help children

of all age groups. Those over 18 also need help. They do not disappear just because they reach the age of 18.

A question and answer period followed the testimony.

It was asked if there was a means of evaluating a child or program to determine when funds allocated to special ed could be diverted to other areas. Larry Holmquist, special ed supervisor in OSPI, said the related cost-benefit picture must be examined. Several years ago it was figured that it costs less to educate, train and keep a child in a workshop than in a state institution. An exchange on this question ensued, with Jo Ann Willis stating that education should be a continuing process.

Rep. Marks asked a question as to the duplication and non-cooperation between state departments involved in special education. Mrs. Rice said the Task Force is looking into the matter and she is also investigating the various agencies' positions.

In closing, the Chairperson stated there were a number of issues arising out of this meeting. Certain of these areas are now being addressed by legislation - travel and transportation, ability of school districts to contract, service programs for the 21-25 age group, school districts' costs, gifted child programs.

Senator Blaylock commented that the legislators should be defended by all when someone says they raised taxes. People come to the Legislature and want 100% financing and we give it to them. They then turn around and criticise us for raising taxes when they do it themselves by demanding these programs.

There being no further business, the meeting adjourned at 5:15 p.m.

Dr. W. L. Finkler  
Superintendent  
of the State  
Hearing at Joint House and Senate  
Education Committee on Special Education

My concern has to do with  
providing service to severely handi-  
capped children under 3 years of  
age.

It has now been proven that,  
with severely handicapped, carefully  
planned programming from the  
onset date after birth is critical  
to their eventual development. If  
denied this service, they will  
never be able to compensate for  
those early years.

This has been proven at the  
University of Washington at the Experimental  
Education Unit where they have been  
beginning with Down's syndrome  
children shortly after birth. By  
school age, they have academic  
skills.

We in that Fall have also proven  
this to be true. Consequently, we  
would like to have the full  
liberty of the law improved within  
the State Superintendent's office  
which would allow us to work

1976-77 Cost Full-time Education for Special Education Student - \$9,000.00

1976-77 Cost Full-time Education for Regular Student - \$1,214.00

To: Joint Education Committee

From: Robert L. Laumeyer, Boulder, Montana - Speaking as an Individual - Representing - Self.

Members of the Senate and House Committee and guests. I have several remarks I wish to make on the topic of special education and education in general because I do not believe either can or should be examined separately.

First I will examine the cost factors involved because whether we like it or not many important educational decisions must be based on what we can afford.

I became interested in special education three years ago when as district superintendent I was approached about starting a special education program in Boulder. At that time I requested from the State Special Education office statistical information that would show me and the board what improvements in learning we could expect if a program in special education were established. Although I have made this request three times, a social worker in my school district has made it once and the representative of this district has also made this request, no information of this kind has been made available to me from this office. The reports that I have read about the effectiveness outside the State are significant in that they show little support for the program especially in the area of the self contained special education classroom.

As I saw <sup>sp. ed.</sup> budgets for the fiscal year 1975 approved at thirteen million and almost eighteen million for fiscal year 1976 and twenty million for the fiscal year 1977 I began to wonder how much money per full-time equivalent special education student was being spent.



Because I did not know how to obtain this information, in September of 1976 I wrote to the House Representative in my district. I asked him to find out how much money was being spent per full-time equivalent student and what kind of educational results were being obtained. The Representative submitted my questions to the state supervisor and did obtain some information, however, he was told that no cost per full-time student was available and no statistical data on student progress was available. Information on personnel employed and total number of students in the program were submitted to him. In the fiscal year of 1976 14,103 students were involved at a total expenditure of \$17,832,356.00. As most of the students in the special education programs are students attending the regular school program most of the day but receive some instruction in the special education program, this information is not sufficient to determine full-time equivalent cost. The 14,103 students in special education is about eight percent of the 166,745 students enrolled in grade school and high school for the fiscal year 1976.

After reviewing this information I felt the two most important questions were unanswered. I called a small sample of school administrators in my area and computed their full-time equivalent cost per special education student for the fiscal year 1977, this cost is about \$9,000 per year per thirty hours of classroom instruction per week in either individualized or small groups being taught under this program. In reply to my question how much benefit do you think the students in the program are receiving, the answers varied from quite beneficial to no benefit at all. Another topic that several <sup>administrators</sup> brought up to me was the amount of time of regular staff members that was taken up by the special education program. One superintendent told me that in his elementary school of 250 grade students that his elementary principal spent one half of his time in the special education program for fifteen students, this is an additional cost factor I did not try to add to my full-time equivalent special education student.

During this same fiscal year the state average in the general fund budget per ANB in the grade school and high school was \$1,214.00 and in order to obtain this budget an average of \$312.00 per student had to be raised by voted levy. In school districts where the special levies failed students are receiving less than this minimum requirement.

I have visited a school where thirty-two students were in a regular classroom with one teacher and at the same time the special education teacher was working with one or two students.

I believe that the present situation is intolerable and significant legislation is required to correct it. We are cheating ninety-two percent of our students to finance a program for eight percent that may be of no value to them. To provide an adequate program for some severely handicapped people is an impossible situation for some schools and only regional centers could provide those needed services.

The State Board of Education establishes minimum standards for all students. The past legislatures have passed fiscal legislation to make it necessary for the electorate of the school district to vote to raise about twenty-five percent of the money needed to finance this basic education program. At the same time these legislators have approved expenditures of from thirteen to eighteen million dollars of State money on a program that the directors can neither tell the cost of a full-time student, nor give any statistical evidence that students are doing any better under the special education program than they are under the regular instructional program.

I believe that the solution to this problem is contained in Article X, Section eight of the Montana State Constitution. This section states, "The supervision and control of schools in each school district shall be vested in a board of trustees to be elected as provided by law." The legislators should return control of the education program to the local board of trustees by doing away with all earmark educational funds. Fund, or make possible for the local trustees to fund, the total cost of the minimum educational program without the vote of the people. Allow the local trustees to have special levy elections to finance programs that go beyond that minimum educational program. A significant part of this increased funding could come from the money now earmarked for special educational projects and the money that is spent to administer these programs from the State offices.

This would not mean the end of all special instruction, as chapter seventy-eight of the School Laws of Montana mandates boards to offer certain education programs or to provide for this service. In many cases this will have to be a regional center, not the local school.

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This would mean that the budgeting authority of the local districts should be increased not less than forty percent over the 1976-77 schedule. This would place the entire school budget in the hands of the local trustees where the constitution says it should be, and would allow those trustees to provide an education program as provided by law, to all students without additional voted levies. If districts wanted to spend more and provide more than the minimum standards they could do so with a vote of their taxpayer. All students would then be able to get a more equitable education with less cost to the taxpayer.

January 21, 1977

The Honorable Chet Blaylock  
Chairman, Senate Committee on Education

The Honorable Ann Marie Dussault  
Chairperson, House Committee on Education

State Capitol Building  
Helena, Montana 59601

Dear Senator Blaylock and Representative Dussault:

I appreciate your recent correspondence inviting me to attend the legislative committee hearings pertaining to special education rules and regulations. I graciously accept this opportunity to put forward a few ideas pertaining to this topic. In addition, without desiring to appear pretentious, I would like to take this opportunity to make some brief observations regarding the current status of special education in the state of Montana in comparison to other states as to trends, funding and development of rules and regulations.

I readily confess to my relative naivety concerning involvement in the political arena and as a result can only hope that the attached material will be beneficial as the legislature begins to undertake their deliberations. I again appreciate the opportunity you have graciously afforded me in this regard.

Sincerely



Ed Hawkinson  
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Bozeman, Montana 59715

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## PUBLIC SCHOOLS AND SPECIAL EDUCATION

Submitted to Education Committee of the Legislature

State of Montana

January, 1977

### I. Rules and Regulations

#### A. Comparison of Rules and Regulations of Montana to Other States

The rules and regulations of Montana pertaining to special education as compared to similar administrative rules of other states (Wisconsin, Michigan, California, New York and others of which I am somewhat familiar) are from an objective analysis considerably more flexible and simplified. Specifically, the rules and regulations of Montana allow for greater degree of interpretation at the local level than can be found in most states. The obvious advantage of this occurrence is the relative flexibility afforded to local districts in carrying out the state mandates. The disadvantage is the ambiguity and often conflicting interpretations of identical passages from various special educators and administrators around the state. In part the current "uproar" and confusion in the field of special education can be attributed to this flexibility in interpretation. Considering the relative newness of special education in the state, this flexibility has produced a paradoxical result that in my view is the direct opposite of the original intentions of OSPI. Relative flexibility is not even recognized by most districts. Instead the intended flexibility is viewed as ambiguity, arbitrariness and confusion at the local level. The suspicion or question often posed as a result is that the rules and regulations are not an accurate reflection of the statutes. Most administrators in other states would welcome Montana's flexibility. The distinction is that in other states districts are more experienced in the field of special education and are prepared to interpret and handle state rules and regulations flexibility more objectively than is presently the case in Montana. Given the small staff at OSPI and the large number of districts, inservice on interpretation is most difficult and confusion is predictable.

#### B. Development of Rules and Regulations

While OSPI has made a concerted effort in having input from the field regarding modification of existing rules and regulations, this involvement has been an after-the-fact occurrence. Districts are thereby placed in the position of criticizing and arguing for changes after the rules have been

developed. If local involvement had been sought prior to development, this may not have occurred. In addition had OSPI consulted with other State Departments of Education in regards to their rules and regulations, interpretation would have been more uniform. In part, the present State Superintendent's task force should alleviate this criticism.

## II. Funding

Montana is unique in the nation that special education is funded at the 100% level from the State. No other state reimburses districts for costs incurred to this level. The obvious advantage is that programs can be developed and expanded at a very rapid rate in order to meet State mandates, without having to rely on local dollar support. Another advantage is that the state can stimulate programs and services in communities where little sympathy or empathy exists in regards to provision of services to handicapped children.

The disadvantages are that program costs at the state level increase more rapidly than originally anticipated by the legislature causing questions to be raised regarding accountability. Secondly, a subtle disadvantage is that this level of funding causes districts to look at special education as a "school within a school" where fiscal responsibility is not adhered to with the same degree of intensity as for example, the budget for the English department.

The present level of funding may foster a waste of dollars if accountability is removed from the local district and placed at the state level. Coupled with the flexibility and ambiguity in the interpretation of the rules and regulations, a small OSPI and regional staff for district supervision and inservice, and the high level of funding with fiscal accountability removed from the district level, situations such as have been publicized in Missoula can be anticipated.

Another aspect of the current level of state funding is that often sources of funds from the federal level are not considered to the extent possible. Specifically, there is little stimulus for a district to attempt to secure competitive title grants if the state pays for the entire program. The state as a fiscal unit is forced to secure special consideration from the federal government to allow supplanting of federal dollars as opposed to supplementing funds available. If organized and administered effectively, federal dollars can serve as a multiplying factor in support of special education services for a state. Where state funding is at the 100% level, federal dollars can only be used as an additive factor. If not an obvious waste of available funds, it is certainly a potential waste in light of what these funds could do if there is stimulus for competitive dollars. As funding laws pertaining to special education programs are implemented and additional funds are provided to states, this should become an even more critical area of concern to the legislature.

A final area of concern pertaining to the current state funding level is that it does not foster an attitude of program responsibility at the local district level. Only occasionally will a district decide to fund an activity or service that is disapproved from OSPI. More frequently is the reaction that if the state will not pay for it, neither will the district. In my view, this is not the intention of state statutes and having special education services become a responsibility of the local district.

### III. Public School Responsibility, Ages 3-21

Federal statutes will reimburse states for service to public school handicapped children between the ages of 3 and 21. Reimbursement will probably not be forthcoming for individuals between the ages of 21 to 25. Montana's permissable legislation for public school responsibility to individuals between the ages of 21 to 25 is unique in the nation. It is not in line with any other state or federal law. While the original intention most likely was to facilitate some service to individuals where none was available, this, in my view, has not been the result. Through the omission of service to TMR individuals in this permissive legislation, the result has been to encourage local Child Study Teams to reidentify the TMR as EMR and to therefore continue service until age 25. In this writer's opinion no single area of the legislation is more in need of immediate modification than this. Confusion and argument prevails at the local level as to which agency has responsibility for service to the 21 to 25 year old age group. The professional literature is replete with data that "school service, academic services, etc." are less valuable to this group than vocational training, on-the-job experiences, sheltered workshops, and the like. To my knowledge all states cease public school responsibility at age 21. Rather than legislating public school responsibility for ages 21 to 25 many states are extending permissive legislation to the 0 to 3 age group so as to allow and stimulate preventative programs to be developed. This practice is in line with professional literature and has been found advantageous repeatedly.

### IV. Conceptualization of Program Needs for Low Incidence Handicapping Condition

Conditions such as blindness, deafness, severe multiple handicaps, and severe physical handicaps are fortunately low incidence conditions (less than  $\frac{1}{2}$  of 1% of the population per handicap). These children require highly specialized and sophisticated programs if their potential for participation in the community is to be obtained. Because of the very low incidence of these conditions adequate programming at the district level is exceedingly difficult. Often these children are placed in the existing programs and accommodated as best as possible. The state must eventually recognize the multi-district or even multi-regional programs as the only viable way to adequately meet these youngsters' needs. The position that each district should be able to meet the needs of every type of handicapping condition in programs housed locally is misguided.

Inter-district cooperatives for highly specialized programs serving low incidence handicapped children is inevitable. Conceptualizing this need and stimulating the development of these intensified programs must be addressed by OSPI and regional staff. The cost effectiveness of each local district having to develop programs for these children is, if investigated objectively, highly questionable. Presently, procedures for establishing inter-district cooperatives inhibits and discourages the development of these programs.

#### V. Suggestions for Consideration

##### 1. Rules and Regulations

The present state superintendent's task force should go far in providing local input in rules and regulations development and modification. However, it will be important to maintain a similar type of policy advisory council after the immediate concerns have been attended to. OSPI should be required to have such a council. There is ample precedent for same for most states do have this vehicle to enable ongoing input from the public regarding public school special education services. Federal law recommends this procedure in connection with the "state plan" which is required of every state.

##### 2. Cooperative Services

Legislation should be developed which allows and encourages inter-district cooperatives for purposes of delivering specialized programs for low incidence handicapping conditions. This can be rendered through the region as a fiscal agent or a particular school district.

##### 3. Establish School Responsibility for Children Ages 3-21

Amendatory legislation should be drafted which limits school responsibility to individuals between the ages of 3 and 21. Programs between the ages of 0 and 3 should be permissive in nature with OSPI approval. Individuals between the ages of 21 and 25 should not be the responsibility of the public schools. DD has been funded for this purpose and duplication of service would thereby be eliminated if this amendatory legislation was passed.

##### 4. Funding

In my opinion, any change in funding at this time would produce disastrous results in terms of services to handicapped children. Given the present atmosphere of confusion and turmoil in regards to special education, a cut in funding or a change in the funding pattern for the 1977-78 school year would produce a highly negative result. At the same time, the present level of funding cannot go on indefinitely. Rather than recommending specific modifications, I strongly suggest the legislature appropriate a source of funds in



order to obtain consultation and study in regards to future patterns of special education funding. Several states have taken this course of action with effective results. I further suggest that this be a legislative activity versus an OSPI responsibility. One of the charges given to the particular committee established by the legislature should be to investigate funding patterns as in existence in other states. There are a number of reputable private firms who have experience in working with legislative bodies in this area and could be asked to submit bids for contract to complete this study. Another option is to appoint individuals within the state to comprise this committee and to charge the committee with the responsibility of investigating funding patterns utilized successfully elsewhere.

Ed Hawkinson  
1104 South Montana--G16  
Bozeman, Montana 59715

Chairpersons, Members of the committee, ladies and Gentlemen:

I am JoAnn Willis, a parent of an exceptional child in special education, and an advocate for all handicapped citizens.

There are several areas in special education that deeply concern me. The first area is teacher preparation. There is nothing "special" about courses required to meet certification. Most methods and materials courses are the same courses required for regular certification. College instructors seldom teach special methods of approaching the "3 R's" for those children who do not learn in the average way. Few courses are taught to help teachers prepare themselves to aid the individual receive an education in areas not described as the "3 R's". No training is given in teaching specific job skills. No training in exceptionalities is ~~given~~ required of teachers holding regular certification, which can create problems in "main streaming." The Child can drown without adequate assistance in such a situation.

Another area of concern is that very few attempts are made to teach specific job skills. Vocational classes are filled early before child study teams meet and the child, if space is available, often enters the class several days late, giving the child an additional handicap. No adaptations in methods and materials are made to assist the child in acquiring specific job skills although federal vocational education funds require 10% of funds received for such programs be spent on the handicapped. If available, these courses are available only to a few individuals in larger communities who are in Work Study programs. Many work study programs need a revision in attitude to aid the individual in acquiring salable job skills. *Little or no effort is possible into post secondary programs is expected.* Another area of concern is that too often growth in an individual may be stifled by the system which can trap an individual in the same classroom with the same teacher and the same curriculum for all of his school years. Children are made to fit the system rather than the system accepting the challenge to meet the individuals personal needs.

The entire special education system is lacking in programatic accountability. Montana has attempted to achieve fiscal accountability but without assessing programatic achievements such data is meaningless.

It may sound that I am against special education. I am not. I see it as a field that has unlimited potential. Thnology and materials do exist to enable each child to grow in learning towards reaching his own maximum potential and to find his own useful, unique place in society. There are many programs and many very special teachers in this state that truly try to achieve this goal. The challenge that faces all of us as parent, teachers, administrators, legislators and taxpayers is to make this goal a reality for each child regardless of his handicapping condition. It is a challenge that can be met if we make "special education" out of all education. Special in that it meets the needs of each individual student and is not measured by proficiencies in the areas of just the "3 R's".

Thank you.

*P. L. & Training Skills*

CHAIRPERSONS: ANN MARY DUSSAULT and CHET BLAYLOCK  
MEMBERS: COMMITTEES ON EDUCATION

Montanans can be proud of the provisions the Legislatures in recent years have made in the laws which provide for the Education of Handicapped Persons in Montana.

I would also like to compliment the Office of the Superintendent of Public Instruction for the exceptional job done in implementing the law in the schools. The numerous hearings that were conducted and two drafts with invitation to comment gave Montanans the opportunity for input. Many frustrations must have been encountered by the Superintendent's Office when Federal legislation (94-142) changed, and matters of due process required additional revisions of the Rules and Regulations. They are to be commended for the accomplishments.

Following are some additional matters which it is important that the 1977 Legislature consider:

#### OUT-OF-DISTRICT TRAVEL:

Rules and Regulations do not provide for out-of-district travel by special education personnel.

Due to the responsibilities mandated to school districts to provide for a free public education for all children, trained professional personnel to provide these services have not been easy to secure. Individuals with minimal training have been employed. The need for continuing in-service training is met only as long as trainers are brought into the district. There is a need for provision to send personnel out of the district to participate in training programs and seminars, dealing with current trends, research findings, and their application to district problems.

A formula to limit expenditures in this area may need to be stipulated.

#### CONSULTANTS:

Present stipulations provide for contracting with consultants from non-profit organizations only. For most effective use of training and in-service monies, school districts must have the flexibility to contract with any available supplier of services.

## SECTION 2: 94-142

### EVALUATION

At least one additional individual, certified, licensed, or approved by State Educational Agency, to conduct individual diagnostic examination of children. Such as . . . , remedial reading teachers.

The present draft of the Rules and Regulations does not address itself to the use of remedial reading teachers as a part of the diagnostic team.

## SECTION 3, b-1: 94-142

Criteria for determining the existence of a specific learning disability:

$$CA \left( \frac{1.0.}{300} + 0.17 \right) - 2.5 = \text{Severe Discrepancy Level}$$

The formula used to determine eligibility computes too severe a discrepancy to be realistic for regular classroom programming.

*It would like to speak to the needs of two classes of people presently not served adequately.*

**1. SPECIAL EDUCATION OF INTELLECTUALLY GIFTED:**

Reasons for a state funded program for the intellectually gifted:

1. The needs of the bright student are not being adequately met in this state.
  - a. Bright students dropping out of school.
  - b. Those who stay in are often bored.
  - c. The OSSPI is pledged to meet the potential of each student in Montana as expressed in the fifteen points outlined in the 1972 needs assessment statement. The bright student is so far ignored by the state.
2. The Federal Projects Act of 1975 will make available grants to \$70,000 to each of ten states to aid in developing programs for the gifted. Montana, as a state, needs to show some initiative to be considered for these funds.
3. There would be good return on state money given for the gifted in terms of leadership development, greater scholarship earning capacity (National Merit Scholarships, etc.), and accomplishment by those whose potential might go untapped.
4. A necessity in a world where nations are still in a struggle for survival and supremacy. Rome fell not only to the barbarians, but to mediocrity. The United States and Montana, in failing to support the bright and gifted individuals in its midst, are taking a stand for mediocrity. A man's values are where his money goes. So far the state legislature has favored lower taxes over support for the potential leaders of our country. The Russians give all kinds of economic support to their bright students; can we in the United States afford to do any less?
5. Can the legislature see funds for the gifted not as a luxury, but as a necessity (one part in national survival)?

Dallas W. Keck  
School Psychologist, Havre Public Schools  
Chairman, Region II Developmentally Disabled Council  
Chairman, Regional Living Services Council  
Immediate Past President, Montana Personnel and  
Guidance Association  
Member, Montana School Psychologists Association

Handicapped Persons 0-3.

~~It is~~ Early Intervention of  
Educationally Handicapped Persons 0-3 years of  
age is imperative to their future welfare.  
Legislature must delegate this ~~responsibility~~  
responsibility to some agency. It  
would seem to me that in as much  
as education is the responsibility of  
the Public Schools that this is the  
place for this responsibility.



# EASTER SEAL SOCIETY

FOR CRIPPLED CHILDREN AND ADULTS OF MONTANA

January 21, 1977

Dear Legislator:

## STATE OFFICE

] 4400 CENTRAL AVE.  
GREAT FALLS, MT. 59401  
PHONE: 761-3680

WILLIAM N. SIRAK  
EXECUTIVE DIRECTOR

JOHN E. PANNELL  
ASSOCIATE DIRECTOR

## TREATMENT CENTERS

] DEACONESS HOSPITAL  
BILLINGS, MT. 59101  
PHONE: 259-5551

] MONTANA STATE UNIV.  
BOZEMAN, MT. 59715  
PHONE: 994-4563

] 303 WEST SILVER  
BUTTE, MT. 59701  
PHONE: 723-4373

] 12—2ND AVE. S.W.  
CONRAD, MT. 59425  
PHONE: 278-5840

] 4400 CENTRAL AVE.  
GREAT FALLS, MT. 59401  
PHONE: 761-3680

] 700—11TH AVENUE  
HELENA, MT. 59601  
PHONE: 442-2061

For the past several years the Office of Superintendent of Public Instruction has contracted for some audiological services from the Montana Easter Seal Society. We have, therefore, had the opportunity to watch and be involved in the development of one of the most complete and complex delivery systems to hearing impaired children in the United States. Very few states can boast of programs with the scope and depth of Montana's. Nearly every child in the state, no matter how small their school district, now has some services available.

This development has largely been due to the cooperative efforts of many agencies including the Montana Division of Vocational Rehabilitation, the Montana Department of Health and Environmental Science and the Office of Superintendent of Public Instruction. The OSPI has, however, been the largest financial contributor, through the Special Education funding.

The cooperative nature of these programs has allowed for the development of services to all age groups by making maximum use of available personnel and funds. Many of the centers offer a complete community program and serve all ages while serving the needs of education.

I would personally, and on behalf of the Montana Easter Seal Society audiological program, like to take this opportunity to commend the Office of the Superintendent of Public Instruction for their support and leadership in the development of regulations which have allowed for the creation of exemplary programs for handicapped children. The Special Education personnel have worked long and hard, often without thanks, to develop programs to serve children, and they deserve our praise.

Although the regulations are, at this time, often unwieldy and time consuming in enforcement, they have resulted in broader services throughout the state.

I would encourage the 1977 Legislature to continue their support of Special Education in this state.

Sincerely yours,

  
Darrell J. Micken, M.A.  
Audiologist

DJM:ebs



# Poplar Public Schools

MEMBER OF THE NORTHWEST ACCREDITING ASSOCIATION

OFFICE OF THE SUPERINTENDENT

*Poplar, Montana*

January 24, 1977

TO: House & Senate Committees on Education  
FROM: Jack E. Kober, Superintendent of Poplar Schools  
RE: Special Education

The hearing for Special Education gave a number of people the opportunity to voice their opinions about Special Education and I for one appreciate the time you made available so that the various voices could be heard. Time being at a premium, it was difficult for me to summarize my views in five minutes so I will attempt to reiterate some concerns.

First of all, I would like to paraphrase Dub Finley's remarks wherein he stated something to the effect that the law allows for special education but regulation prevents. We do need the full liberty of the law, but again I feel that Montana's needs are different from national needs on the basis of numbers and our own circumstances as opposed to those in urban populations. The legislature could do a great service in establishing that train of thought.

Maxine Lane's concern about the school's responsibility for determining why children requiring services are not in school raises my own concerns about the Privacy Act. At what point do we determine whether the schools are helping or meddling. A great deal of time and money has been spent in Project Child Find and yet what are we to do if parents refuse the service?

I totally disagree with Superintendent Laumeyer's approach to the problem and do agree with the concept of 100% funding, but this also causes me to request special consideration for the gifted and talented students who often are lost in the educational processes as they sometimes feel they are ignored because people feel that they can make it "regardless." Also consideration needs to be given to more equitable funding of the Foundation Program in general to assure the vast majority of "average" students of a good education.

As "de-institutionalization" becomes more of a reality, I caution the indiscriminatory distribution of youngsters to establish regional "parity." This sounds fair on the surface when actually it could create situations of isolation wherein some of these people could be as out of place as Wilt Chamberlain at a Pygmy Picnic with even more outrageous costs. This analogy may be poor because the whole idea is ludicrous. The same realization could be considered in conceptualizing the low incidence levels of deafness, blindness, etc.

I agree that many of our special education products have the ability to provide for themselves and to be productive citizens at some level in our society as was borne out by Lyle Grayson's 78% figure from Billings. This certainly can be supported by other statistics on rehabilitation as opposed to "closeting."

Regional Councils have worked on preventing duplication of services and I'm sure this can be accomplished wherein there is overlap and identification of roles can be clarified. Please note: This past week I had the pleasure of following through on some eye surgery for one of my special education students through Visual Services at the state level. Parental inability to pay would have prevented this corrective surgery if the state agency would not have been able to help and this was all accomplished with a minimum of bureaucratic paperwork for which I was grateful. This is an example of a supportive agency that has a definite function though overlap may exist.

My personal reasons for making a 900 mile round trip on icy roads for a three hour session are as follows:

1. I think special education in Montana is good and continuously improving.
2. It seems we are continuously being given mandates to perform some function and then are given regulations that are so restrictive it is difficult to get the job done.
3. As administrator in the agency town of an Indian Reservation, I am continually confronted with special education problems that are unique and do not necessarily fit in with federal regulations.
4. Despite various disagreements that I have had with people in the State Special Education Office, I find them to be people interested in getting the job done and are worthy of my support.
5. Finally, when I consider the vast amount of time that I have spent dealing with special education programs and problems, I find that I am still confused but bumble along as best I can to help my students. I can fully empathize with the Legislative Education Committees in their efforts to deal with these problems on a limited amount of information which is always loaded with bias and hidden meaning. I certainly appreciate the hours of time you have given to hear the various views.

Footnote to Representative Kvaalen: Since our lovely modulator chose to "gag" me on your question concerning, and I paraphrase,---'That point in time when we recognize that our efforts are futile and we should shut them off'---, I don't think that can be answered any better than answering the question of 'who' and 'when' to pull the plug on life-support systems that we are currently using in many of our hospitals. I feel that I have that right concerning myself but don't think I can play God with others. On a more personal point of reference, some of my staff members and myself made a decision on some "trainable" youngsters at a time in school history when providing this service was 'permissive' only. This decision was based on a 'one' or 'two' week trial period. Fortunately, we chose the latter only to find that our decision brought two "trainables" to the level of being "educable" over a seven month period rather than being dropped entirely. That is a prime example of a time in my life when the good Lord helped me make the right decision and I use this example frequently to jack-up my conscience.

Enough of this pontification as it would be easy to respond on every point that was raised. To all of you, thank you for your time in behalf of Montana's thousands of students. Should my meager background in education be of any use to any of you, please feel free to contact me.

STATE OF MONTANA

OFFICE OF THE STATE SUPERINTENDENT

HELENA 59601



MONTANA SPECIAL EDUCATION  
REGIONAL SERVICES  
3911 CENTRAL AVENUE  
GREAT FALLS, MT 59401  
TELEPHONE: 727-6303

DOLORES COLBURN  
Superintendent of  
Public Instruction

January 13, 1977

POSITION PAPER

In the past few years it has become apparent to many of us who are involved in the education of handicapped children that we are neglecting perhaps the most important age group of handicapped children, that being the birth through three group.

Special Education is now responsible for the six through twenty-one age group and may elect to serve three through six and twenty-one through twenty-five as the larger districts, including Great Falls, are currently doing.

The Developmental Disabilities Bureau of Social and Rehabilitative Services are providing services for the adult handicapped population. Developmental Disabilities is also reluctantly accepting responsibility for the birth to 3 year group. We feel that these babies would be more adequately served by education. Perhaps a restructuring of service delivery would increase educational effectiveness, cost effectiveness and decrease administrative requirements. This structure might be as follows:

Education--responsible for providing educational services to handicapped children birth through twenty-one years of age.

Developmental Disabilities--responsible for providing services for twenty-one through death.

From an economic and cost-effectiveness standpoint, it stands to reason that by using the present educational administrative structure rather than building a new administrative order under Developmental Disabilities, we would be saving tax dollars. (Administering programs to babies is totally different than administering programs to handicapped adults.) Also, any time a person, whether he be handicapped or not, and whether he is a child or adult, moves from one agency to another, whether it be education or occupation; there is additional expense involved as well as a period of time during the transition when performance is decreased. The continuum is interrupted, not as a fault of the agencies involved, but as a fact of life when one shifts from one agency to another. If Developmental Disabilities is to be responsible for the birth to three year group, then education is responsible for 3 to 25 years, and finally Developmental Disabilities is again responsible for 25 through death; we are forcing these people to undergo three transitions. Again, if education were responsible to birth through 21 years and Developmental Disabilities responsible for 21 through death, this continuum would be interrupted only once.

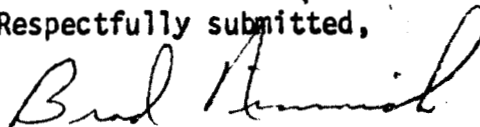
Position Paper

Page 2

Those persons involved in education are by law well trained people. This is especially true in the field of Special Education, and the more severe the handicapping condition, the better trained are those involved. This is not to say that Developmental Disabilities does not employ the best trained people, but Developmental Disabilities is not as stringently bound by law to hire degreed people. We must have the most competent individuals available to work with young handicapped children as well as those in the older age groups. It is felt that with the training requirements education is bound by, the quality of service will be enhanced.

The service model to handicapped babies would not, in most cases, be a physical school setting, rather the teacher or intervention specialist would go to the home and train parents along with the children until such time that it was determined that the child could better benefit from a school setting. This person would work in close contact with the medical profession and other appropriate service agencies to insure maximum development of potential. We are not proposing to separate babies from the home and definitely not to create anything resembling an institutional setting. We feel that infant intervention will help to discontinue the need for places such as Boulder River School and Hospital, except in extreme cases. It is less expensive to educate a person in the home, community or school, than it is to institutionalize him.

Respectfully submitted,



Bradley W. Nimmick  
Consultant/Severely Handicapped

BWN:ss

HOUSE EDUCATION COMMITTEE

BILL No. \_\_\_\_\_

Do you Plan to PROPONENT OR OPPONENT testify	NAME & OCCUPATION	RESIDENCE	REPRESENTING
No	Mike LaValle Sp Ed Teacher	Greenough	Sunset School/ Potomac School
No	Mike Poage Supervising Teacher	Greenough	Sunset School
No	Earl N Ringo - Dean MSU	Bozeman	MSU
No	Tom Pampalone, S.E. Teacher	Bozeman	Livingston Schools
No	Sandra Smith, Resource Counselor	Bozeman	Belgrade LRC
	Orville G. George Asst Supt	Browning	Browning Public School
No	Patsy Beach - Group Home Coordinator	Bozeman	
No	Guy E. Hanson	W. Yellowstone	Advocate for the Developmentally Disabled
No	DANIEL W. MARINBOUGH	AMARCONDA	Sch. Dist # 10
No	ELDON M. NEDDS	HARRISON	Sch Dist # 23
No	ARTHUR W. KENAS	KALIOPELL	DDT 1
No	LEE WARREN	NASHUA	DDT 1
No	T. Carl Johnson	Warden	S.R.M.
No	James G. Geller	Helena	OSP I
No	GORDON F. WARNER	Helena	OSP I
No	Jane Warner	Helena	interested citizen

HOUSE EDUCATION COMMITTEE

BILL No. \_\_\_\_\_

*do you plan to testify?*

PROPOSER OR OPPONENT	NAME & OCCUPATION (please print)	RESIDENCE	REPRESENTING
	DEAN THORNTON SWPT. of Schs/s	GARDINER	GARDINER Schs/s
	JEFF STRICKLER	HELENA	pediatrician
	MIKE IKARD	CONRAD	Dr of SpEd
	Peg Macdonald	Billings	Parent

Name & Address PLEASE PRINT	Representing?	Do you plan to stay?
HENRIKA VAN DUNEN Elizabeth K. Hickory Dr. & Mrs. Jay McCallum	BUREAU INTERNATIONAL CHILD HEALTH Special Services Unit School District	No No No



Name & Address: Representing: Do you  
plan to  
testify?  
(Please print)

LARRY HOLMQUIST	DSP II	no
Gary D. Wenger	DD / Mental Health	no
Ed M. Rollins	Commit They, Schools	no



Name & Address  
(Please Print)

Representing?

Do you  
plant  
trees?

E. ALLAN FLOYD AUGUSTA, MT,

VISITOR

NO

Margaret Wearnby " "

visitor

NO

Lorna Scott Bridger "

visitor

NO

Robert Farson Great Falls

NO

Name & Address

Representing?

Do you  
Plan to  
testify?

Please Print

eg Macdonald

Jerry Willis

AM SUNWALL

Kate Driskill-

Carl Calkins

Region III - STDD & DDTI

Planning Council  
MT. Assoc. Retarded Citizens/PAZ

DEVELOPMENTALLY DISABLED TRAINING  
INSTITUTE

Educational Director at  
Boulder River School & Hospital

Developmental Disabilities  
Training Institute

No

No

No

No

?

Name & Address PLEASE PRINT	Representing? <sup>(11)</sup>	Do you plan to testify?
MARJORIE FEHRE RT 1 BOX 312 BOZEMAN	ARC	
DEAN THORNTON - Supt. PO BOX 268 GARDINER, MONT	GARDINER Schools	?
Mike G. Easton Supt. Box 307 Augusta, MT	Augusta Schools	?
Fred A. Huber Box 226 Gardiner, Mont	Gardiner School Dist. 4 & 7	?
Rev. Louis E. Elvens BOX 586 BOULDER, MT. 59632	MARCE PARENT	
Margaret Skard	Great Falls	no
Lorne Olsen	Missoula Dist #1	?
Beverly Pickett	Helena School Dist #1	no
Ira Feiger	Helena Sch Dist 1	NO
Mary Benvenuti	Stevensville, MT Dist #2	no.
Silver Chord		no

Name: & address (please print)	Representing: <sup>①</sup>	Do you plan to testify?
-----------------------------------	----------------------------	-------------------------------

Carolyn Crawford

Carole Spahr

Merle De Vol

Brad Nimick

Bill Hickey

Ane Binion

Lyle Swanson

ARC - Region 1 Council

ACAD - Great Falls

Self -

Regional business #2

OSPI

Montana Spec. Ed. Reg. Services  
Region II

Bliss Public Schools

??

if requested

Name & address  
please Print

Representing?

Do you  
plan to  
testify?

Mr. Robert McLean  
Lame Deer, Montana

Lame Deer Public School No.

Darrell Micken 911 S. Church  
Bozeman, Mt.

Montana Speech & Hearing  
Association - Montana  
Lutheran Social Society

Shirley DeVoe 417 Raymond  
Helena, Montana

Helena Public Schools  
Speech Pathologist

yes?

Roberta J. Denkers  
1144 Ronderosa Dr. Billings

Yellowstone County  
Parent of children

BARBARA T. SPILKER  
801 HARRISON  
HELENA

MYSELF

No



Name & Address:

Please print

Representing?

Do you  
plan to  
testify?

Walter N. Scott  
Bridgeview 59014

Carbon Co. Sp Ed Coop

yes ?

Gary Garlock

Billings Pub. Schools

?

Georgia Rice

Supt. of Public Ins.

Robert M. Mott

Officer Expt. Pol. Inst.

?

Lee Rief

Dep. Public Schools

?

Ken Kohl

Helena School Dist.

?

CLARK W FOWLER

Office of public Instruction ?

Marilyn M. Pearson

Montana Easter Seal

Name & Address (Please print)	Representing: ①	Do you plan to testify?
ROBERT B. DUNCAN	PUBLIC SCHOOLS	we'll see him if cool
JANET E. BERTENSEN	PARENT	No
Paulette Benning Bozeman Public Schools	Public Schools	No
John Doh	Eastern Mont. College	?
Hilla Lightner	parent	?
Neal Eveland	Interested citizen	No
Bob Ford	DD <del>DD</del> D	will see
Barbara Stegner	Sch. Dist. #3 - Helena Spec. Educ. COORD.	Yes - if needed
Dan Fenster		ok
BE Cranmer	School Dist #1 Helena, MT	no
Peter Blouke	Special Strokes Center	
Rita Blouke	Dept. Institutions P.C.	No No.
Patricia Price	Price Co. Supt. of Helms	If needed
Monie Abbott	Parent	no

Name

Representing

Do you plan to

Please print

Carolyn Frojen  
Chet Frojen

Richie A. Holden  
Bill Stone

Bd of Public Educ

Nixon Public Schools

Fremont Public Schools

testify?

NO

NO

maybe yes ✓

Possibly



Name & Address (Please print) Dan Farnette	Representing (6)	Do you plan to testify?
<del>Don Pampalone</del>	<del>Livingston Public Schools</del>	<del>yes</del>
<del>Dandra Smith</del>	<del>HRS</del>	<del>"</del>
Pick Carlson	Butte Public School	" ✓
Lee Sunbreg	" " "	NO
Rudy Koch	" " "	" ✓
Alberta Eow Paxton	Butte Sch. Dist. #1 - HRS	" ✓
Jim Harris	Pub. Anstruction	no
Biel Harris	Livingston	No

Name & Address: (Please Print)	Representing: (12)	Do you plan to testify?
Gary W. Steuerwald	Mt. Co. Supt's Assoc.	No
Patricia A. Steuerwald	1st grade teacher - self	No
Frank C. McElwain	Missoula Co. H.S.	No
Marilen Hart Broth	School Dist #1 Missoula	No
LaDon B. Richard	School Dist #3 Hamilton	No -
Pat Boyer	School Dist #4 Livingston	No
Karen Sexton	Self teacher	No
Marion Evenson	teacher	No
Sandy Hefflinger	Special ed teacher	NO
Dale L. Hulten	School Dist 32	?
Dallas W. Heck	Reg II Develop. Disab. Council	Yes ✓
Jack L. Ludis	Montana Pres. & Gring Assoc. Director of Special Educ.	No
Michael L. Shand	Missoula Elementary	No
Denise Conrad	Dir. of Sp. Ed. Council	?
Richard W. Hess	Region 3 Regional Services	No
Cynthia Schellman	School Psych. Reg. Services	No.
Janice Frisch	Psychiatrist - Helena	Yes ✓
	DDD - SRS	